IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Harald MERKEL et al.   Conf.:   2145

Appl. No.: 09/885,285   Group: Unknown

Filed: December 4, 2000   Examiner: Unknown

For: DEVICE, METHOD AND SYSTEM FOR MEASURING
            THE DISTRIBUTIN OF SELECTED PROPERTIES IN
            A MATERIAL

LETTER

Assistant Commissioner for Patents   March 15, 2002
Washington, DC 20231

Sir:

In response to the two (2) Notice to File Missing Parts of Nonprovisional Application dated February 19, 2002 and March 4, 2002, respectively, Applicants would like to advise the U.S. Patent and Trademark Office that a Declaration was filed with the Request for Conversion of Provisional to Nonprovisional application on December 4, 2001.

As evidence of the Applicants previous submission of the Declaration in connection with the present application, Applicants enclose a copy of the postcard indicating receipt of the Declaration by the U.S. Patent and Trademark Office on December 4, 2001. However, it appears that the Declaration has been received by the U.S. Patent and Trademark Office; however, since the Notice dated March 4, 2002 does not include the Declaration as a requirement.

The two (2) Notice to File Missing Parts of Nonprovisional Application also indicate that additional claim fees of $243.00 for a total of 27 claims over 20 is also due. Applicants respectfully submit that the additional claims fee should have been charged to Deposit Account No. 02-2448, as indicated on the transmittal dated December 4, 2001. The transmittal dated December 4, 2001 authorizes the U.S. Patent and Trademark Office to charge any additional fees to above-mentioned Deposit Account No. However, attached hereto is a check for **$243.00** to cover the additional claims fee.

With regard to the surcharge of $65.00, it is believed that a late filing fee or Oath or Declaration surcharge as set forth in 37 C.F.R. § 1.16(I) of $65.00 for a Small Entity in compliance with 37 C.F.R. § 1.27 should not be due by Applicants. The Declaration was submitted in a timely manner on December 4, 2001 and the additional claims fee should have been charged to Deposit Account No. 02-2448. Accordingly, a check for only the additional claims fee of **$243.00** is enclosed.

However, if necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees and **the late filing fee or Oath and Declaration surcharge as set forth in 37 C.F.R. § 1.16(I)**.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

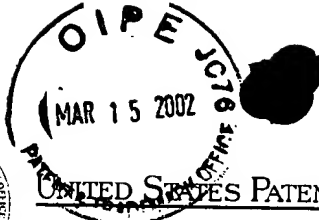By _____
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JMS/PCL/cl

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,285	12/04/2000	Harald Merkel	0091-0189P

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 2145
FORMALITIES LETTER

OC000000007495436

Date Mailed: 02/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is $243.
  - $243 for **27** total claims over 20.
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 308.**

A copy of this notice __MUST__ be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/20/2002 SDENBOB1 00000056 09885285

01 FC:203   243.00 OP

05/14/2002 JTIPPETT 00000005 022448   09885285
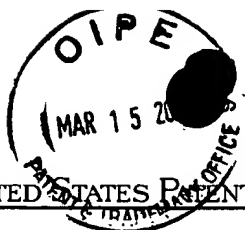
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WASHINGTON, D.C. 2023I
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09/885,285	12/04/2000	Harald Merkel	0091-0189P

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747

CONFIRMATION NO. 2145
FORMALITIES LETTER

Date Mailed: 03/04/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 02/19/2002 to the Notice to File Missing Parts (Notice) mailed 02/19/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is $243.
  - $243 for 27 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 308.**

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE